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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,117	04/18/2006	Ulrich Bohne	3628	4805
7590 Striker, Striker & Stenby 103 East Neck Road Huntington, NY 11743			EXAMINER DEXTER, CLARK F	
			ART UNIT 3724	PAPER NUMBER
			MAIL DATE 03/31/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/576,117	Applicant(s) BOHNE, ULRICH	
	Examiner Clark F. Dexter	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 7, 11 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 6, 2010 has been entered.

Election/Restrictions

2. Newly amended claims 7 and 11 are now directed to an invention that is independent or distinct from the invention previously claimed for the following reasons:

All of the claims of record that were examined in the previous Office action are considered to be generic with respect to the embodiments of Figures 1-3 except for claim 9, which sets forth that the first and second boundary lines each extends in a respective radial direction. Because these limitations read only on Figures 1 and 2, the species represented thereby have been constructively elected. Newly amended claims 7 and 11 are now directed to the embodiment of Figure 3.

Since applicant has received an action on the merits for the previously presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 7 and 11 have been withdrawn from

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consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112, 2nd paragraph

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 3 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, lines 3-4, the recitation “at at least one of the first and second ends with the respective lateral boundary line” conflicts with the recitation in claim 1, lines 8-9 and thus is vague and indefinite as to what is being set forth.

In claim 9, line 3, the recitation “a first end” is vague as to whether it refers to that set forth in claim 1 or to another such first end.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims 1-6 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Treace, pn 2,557,364.

Treace discloses a tool unit (e.g., see Figure 5) with every structural limitation of the claimed invention including:

- a fastening means (e.g., at 21) for attachment to the output unit;

- a working edge (e.g., 24) having a first end and a second end opposite the first end;

- a first lateral boundary line (e.g., the edges extending radially from 24; or any line, which by definition is imaginary, that extends from the working edge),

wherein the working edge transitions at the first end into the first lateral boundary line and forms with the first lateral boundary line at the first end a cutting angle of less than or equal to 95 degrees,

- wherein the working edge is arc-shaped, and

- wherein the working edge extends with respect to a center of the fastening means over an angle being between 30° and 270°;

- [claim 2] wherein the arc-shaped working edge is constituted by the circumference of a circle around whose center point the fastening means is situated;

- [claim 9 (from 2)] further comprising a second lateral boundary line,

- wherein the working edge is constituted by the circumference of a circle

- segment, and a first end of the working edge transitions in the first lateral

- boundary line, wherein the second end of the working edge transitions into the

- second lateral boundary line, wherein the first lateral boundary line extends in a

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first radial direction and the second lateral boundary line extends in a second radial direction, wherein the fastening means is constituted by an aperture, wherein the first lateral boundary line comprises at least a straight part (e.g., note that a line is imaginary), and wherein at least one end of said working edge is situated at an angle of less than or equal to 90° in relation to said partially straight first lateral boundary line on at least one side;

[claim 3] wherein the working edge transitions at the second end into a second lateral boundary line, the working edge forming an angle of less than or equal to 95° at at least one of the first and second ends with the respective lateral boundary line (e.g., the radially extending edges of the blade and/or any boundary line that can be drawn that meets this limitation);

[claim 4] wherein the working edge is constituted by a sector of a circle concentric with the fastening means and transitions at the second end into a second lateral boundary line;

[claim 5 (from 4)] wherein the first and second lateral boundary lines intersect at the center;

[claim 6 (from 4)] wherein the first and second boundary lines extend radially and are connected to each other by means a connecting contour (e.g., the inner portion of the tool unit);

[claim 10 (from 6)] wherein the fastening means is constituted by an aperture;

[claim 8] wherein the working edge is provided with saw teeth.

Response to Arguments

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/
Primary Examiner, Art Unit 3724**

cfd
March 29, 2010